

ACCA

Stokeling v. U.S., --- U.S. --- (2019)

Decided January 15, 2019

FACTS: On July 27, 2015, two men burglarized a Miami Beach restaurant. Stokeling was an employee and quickly became a suspect. After a background check, he was found to have already been convicted of three felonies, including a robbery. He was armed when arrested.

Stokeling pled guilty to being a felon in possession, and was also sentenced under the Armed Career Criminal Act (ACCA), 18 U.S.C. §922(g)(1). The ACCA applies when an individual has three prior convictions for a violent felony. At issue was his prior conviction for robbery, which he argued was not a “predicate offense” for the ACCA. The District Court denied the enhancement, but the Eleventh Circuit reversed that decision, ruling that the ACCA applied.

Stokeling petitioned for certiorari, and the U.S. Supreme Court granted review.

ISSUE: Is a robbery under the common law elements a predicate offense for the ACCA?

HOLDING: Yes

DISCUSSION: For a determination under the ACCA, the court must find that the underlying offense has, as an element some degree of necessary violence. Stokeling argued that under robbery, Florida requires a use of force, defined in that state as including “resistance of the victim that is overcome by the physical force of the offender.” The District Court had looked at the actual facts of the underlying robbery and found that his specific actions in that case did not justify the enhancement.

The Court noted that the Florida statute “mirrored the elements of the common-law crime of robbery, which has long required force of violence.” Those two terms, in fact, are often used interchangeably. The law made no distinction between “gradations” of violence, and the overcoming of even slight resistance is enough to constitute violence for a robbery offense. When it enacted the ACCA, Congress defined robbery as having an element of force or violence, which clearly indicated a desire to legislate against a background of the common law. When the ACCA was amended in 1986, the enumerated crimes, including robbery, were eliminated, but instead an “element clause” was substituted, and that included any crime that included the “use, attempted use, or threatened use of physical force.” Clearly, the Court agreed, Congress intended that force retain the same definition as it had under the common law. Most states require a degree of force to overcome resistance in even the lowest degree of robbery, but that is more than mere touching. It is on the nature of a “physical contest” between victim and criminal, but need not result in physical pain or injury, just be capable of causing it.

The Court agreed that any crime that includes an element of physical force – force that is “capable of causing physical pain or injury” is sufficient to serve as a predicate offense under the ACCA. As such, the Florida crime of robbery does so, and the Eleventh Circuit’s decision is affirmed.

NOTE: Under this decision, a conviction under either degree of Robbery under KRS 515 may serve as a predicate offense for the ACCA.

FULL TEXT OF DECISION: https://www.supremecourt.gov/opinions/18pdf/17-5554_4gdj.pdf